

Professional Standards Bureau

Misconduct Investigations Semi-Annual Report

January 1, 2022 – June 30, 2022

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Requirement

The Maricopa County Sheriff requires the Professional Standards Bureau (PSB) to produce a semi-annual public report on misconduct investigations, including, at a minimum, the following: Summary information about sustained allegations that an employee violated conflict-of-interest rules; aggregate data on external complaints; analysis of civilian complaints received; aggregate data of internally-generated misconduct allegations; aggregate data on misconduct case processing; aggregate data on the outcomes of misconduct investigations; and aggregate data on employees with persistent or serious misconduct problems.

Executive Summary

The Professional Standards Bureau (PSB) is required to submit a semi-annual public report on misconduct investigations involving Deputy Sheriffs, Detention Officers, Civilian employees, and volunteer Posse members. The purpose of this report is to provide an analysis of data collected from the IAPro database and supplemental spreadsheets between January 1, 2022, and June 30, 2022.

The MCSO noted a decrease in the overall complaints received from the last semi-annual reporting period and the complaints received remain consistent overall. The most common external allegations received were unbecoming conduct and public demeanor. Approximately 42% of external complaints arose from custody operations, and 30% arose from calls for service. The most common internal allegations received were failure to meet standards, workplace professionalism, and truthfulness. Of all opened investigations, approximately 2% were assigned to divisions outside of the PSB and the remaining 98% were assigned to the PSB (criminal and administrative.) The average completion timeframe for district-level investigations was 323% over the required 60-day timeframe. The average completion timeframes for PSB-investigations were lower during this reporting period, approximately 573% over the required 85-day timeframe; and approximately 245% above the 180-day statutory requirements of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, Internal Investigations, which the PSB attributes to investigative collaboration to process cases alleging blatant misconduct and assistance from contracted investigators. There were 224 misconduct investigations completed: 51% with a sustained disposition. Further research shows 38 employees had persistent misconduct (the subject of more than two misconduct investigations), and 50% of employees with more than one sustained allegation received serious discipline, in which the employee received a suspension, demotion, or dismissal from employment.

Response

A. Conflict-of-Interest Sustained Allegations

The Professional Standards Bureau (PSB) did not sustain any allegations of an employee violating conflict-of-interest rules in conducting or reviewing misconduct investigations between January and June 2022.

B. External Complaints

Based on the data, the MCSO received a total of 194 external complaints that resulted in PSB administrative investigations and criminal investigations from January 1, 2022, to June 30, 2022, officewide. There was one division with the most external complaints: Lower Buckeye Jail, with 23 complaints. The following three divisions all had the second most external complaints: the 4th Avenue Jail, District 1 (Mesa), and District 2 (Avondale), with 20 complaints.

Figure 1 depicts the number of external complaints received between January and June 2022, differentiated by Division.

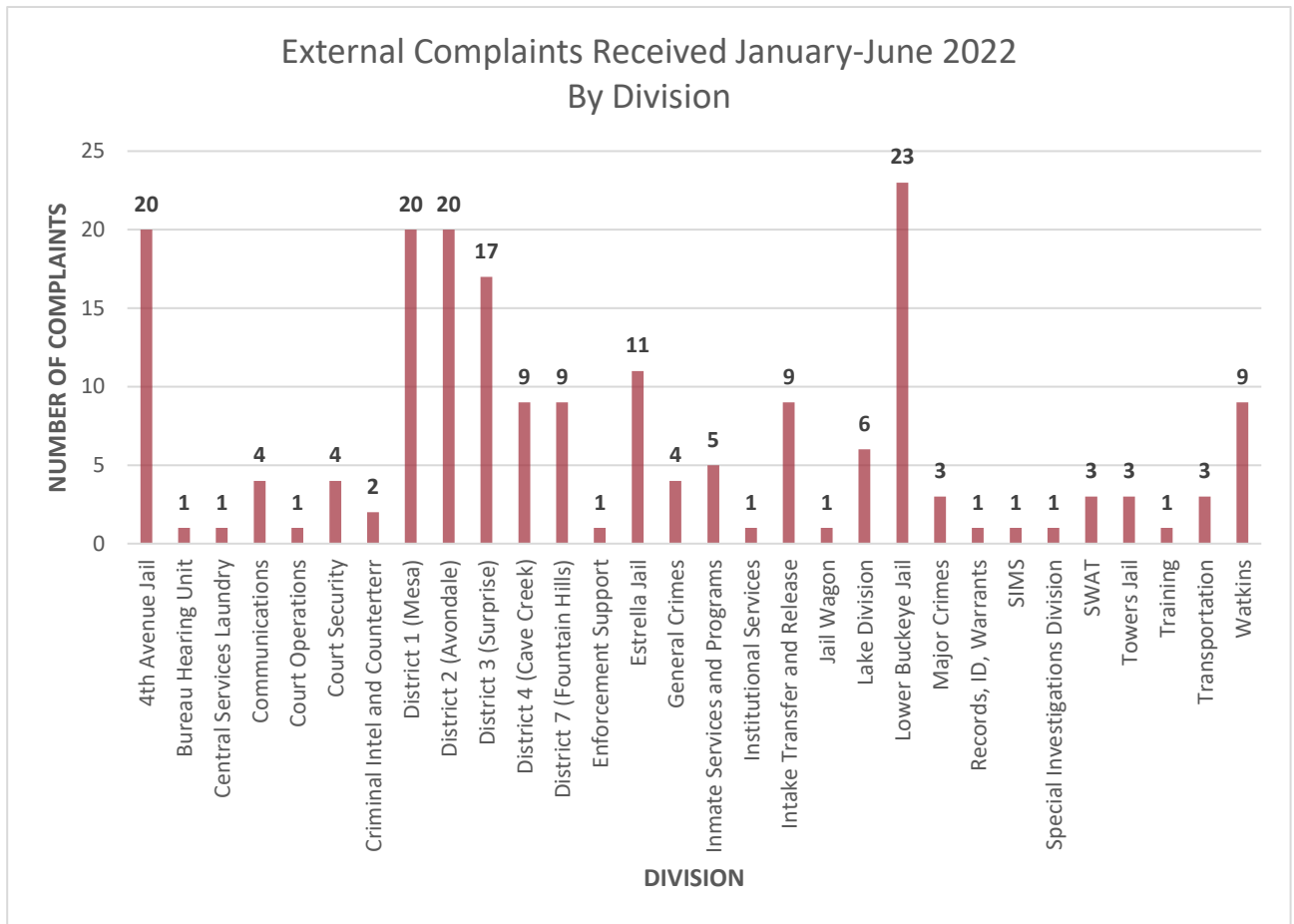


Figure 1: External Complaints, by District, received that resulted in an investigation.

Within the 194 external complaints, the MCSO received 18 complaints in January, 34 complaints in February, 33 complaints in March, 29 complaints in April, 39 complaints in May, and 41 complaints in June. The allegations occurring most were those involving Code of Conduct practices (e.g., Unbecoming Conduct.) The approximate average of external complaints received each month was 32. In June, the MCSO received 41 complaints, an approximate 22% increase of complaints over the average.

Figure 2 depicts the number of external complaints received by month.

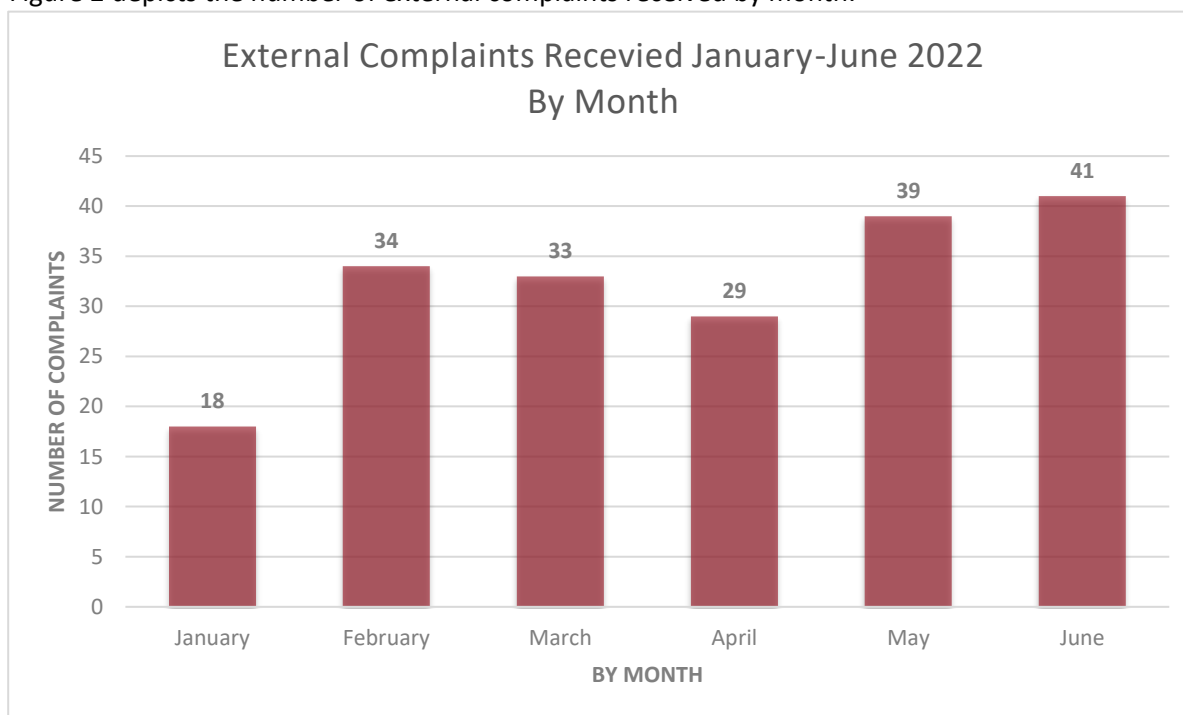


Figure 2: External Complaints, by month, received from January to June 2022.

It is important to note a single complaint can result in an investigation with multiple principals and allegations. Therefore, the number of external complaints resulting in an investigation (194) will not mirror the number of principals and allegations in this next subsection.

The “Sworn Deputy” and “Detention Officer” rank was identified 98 times out of 194 total principals listed in external complaint investigations between January and June 2022.

Figure 3 depicts the ranks of principals identified in external complaint investigations during the reporting period listed.

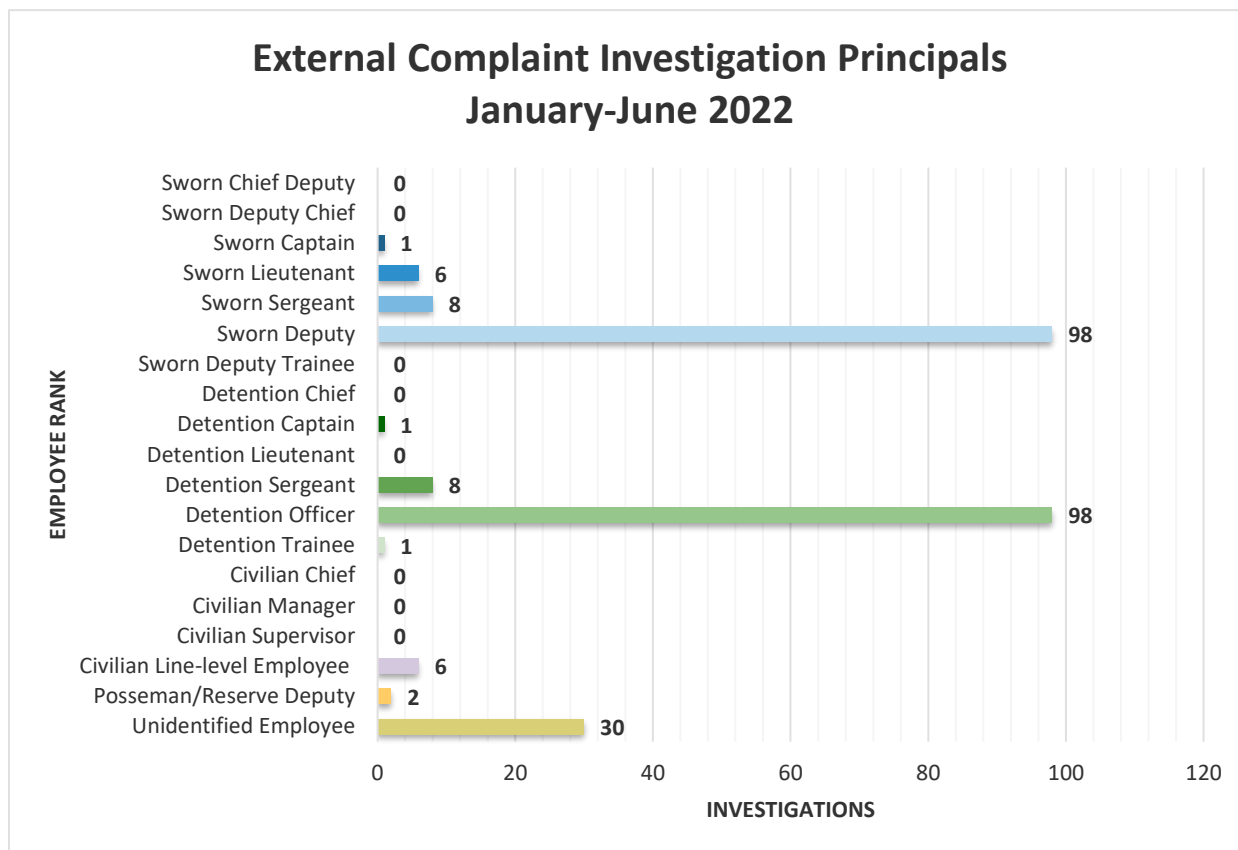
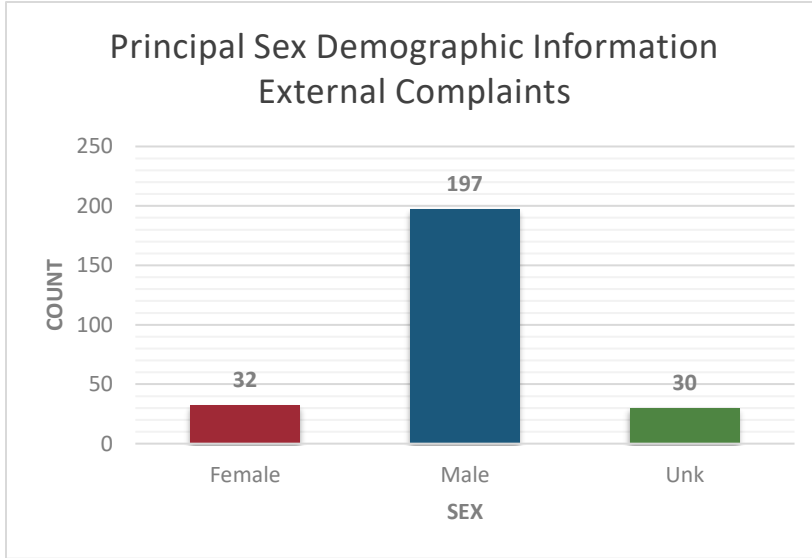


Figure 3: Rank of Principals in External Complaint Investigations January and June 2022.

The following information in Figures 4, 5, and 6 consists of available demographic information¹ of MCSO employees named as the principal in External Complaint investigations.

The number of unknown employees identified as principals during this reporting period was half the number of unknown employees last reporting period.

¹ Data is based on known, compensated MCSO employees. The IAPro system does not track demographic information of unknown and volunteer employees (i.e., Posse members/Reserve Deputies)



There were 197 identified male principals; approximately six times more than the number of identified females.

Figure 4:
Demographic of Principals between January and June 2022, by Sex.

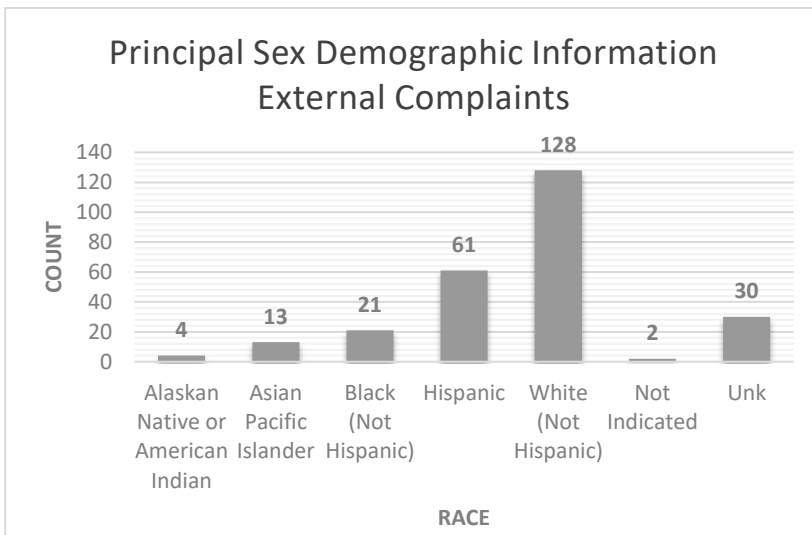


Figure 5 depicts 128 identified White (Not Hispanic) employees named as a principal in External Complaint Investigations; approximately 49% of the 259 principal employees.

Figure 5:
Demographic of Principals between January and June 2022, by Race.

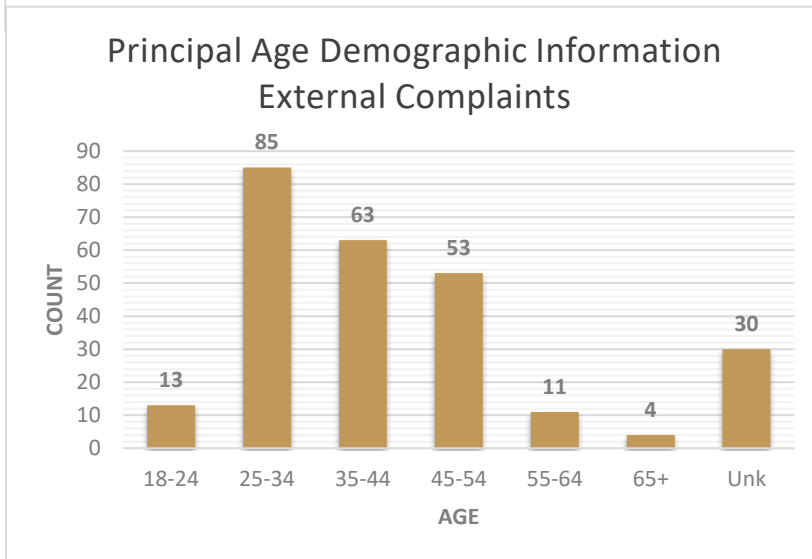


Figure 6 shows known External Complaint Principals are commonly between the ages of 25-44, with 85 principals between 25-34 and 63 principals between 35-44. There is 26% difference between the two age groups, which coincides with an average age of 39 years old.

Figure 6:
Demographic of Principals between January and June 2022, by Age.

The MCSO does not collect external complainants’ demographic information during the complaint intake process. This ensures all complaints are received, processed, and investigated consistently and without bias.

The PSB initiated the collection process of complainant demographic information in January 2020 via a voluntary paper and online survey provided to the complainant at the conclusion of an investigation. During this reporting period, the PSB closed 133 external cases and thus sent approximately 133 complainant surveys². Of the approximate 133 surveys provided, the PSB received 11 responses.

The following information in Figures 7, 8, and 9 consists of the demographic information, provided voluntarily by individuals named as the complainant in External Complaint investigations.

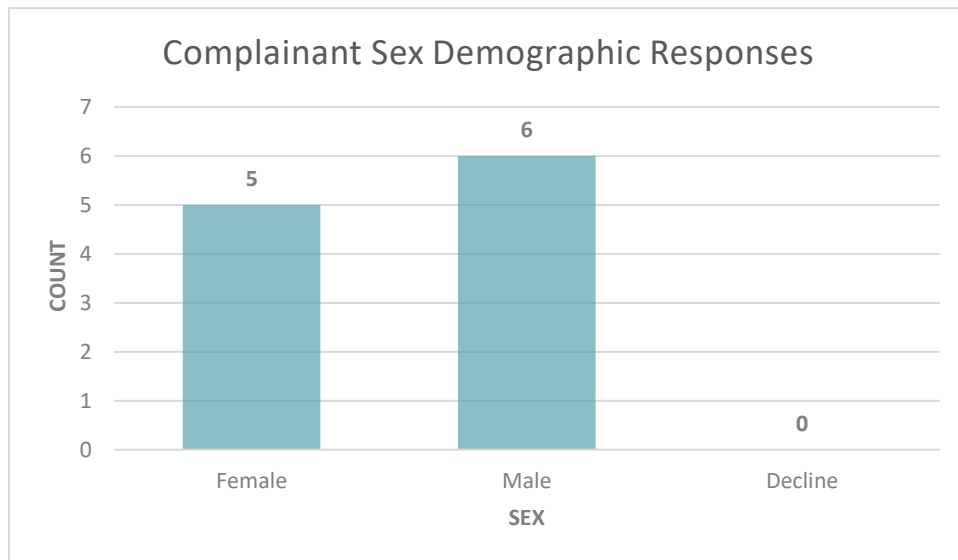


Figure 7: Demographic of Complainants between January and June 2022, by Sex.

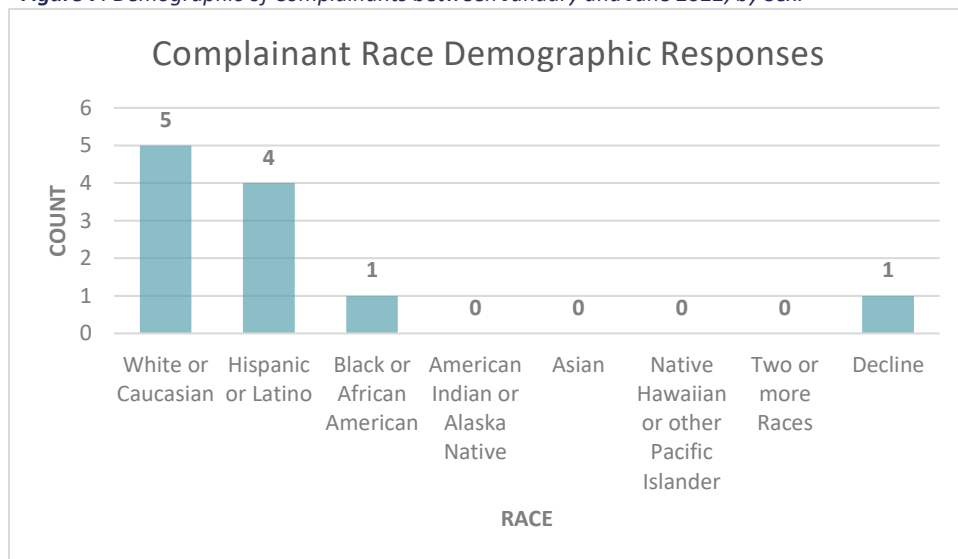


Figure 8: Demographic of Complainants between January and June 2022, by Race

² Due to the possibility of multiple complainants in a single IA case, one IA case may receive several survey responses. Additionally, anonymous complainants do not receive a demographic survey.

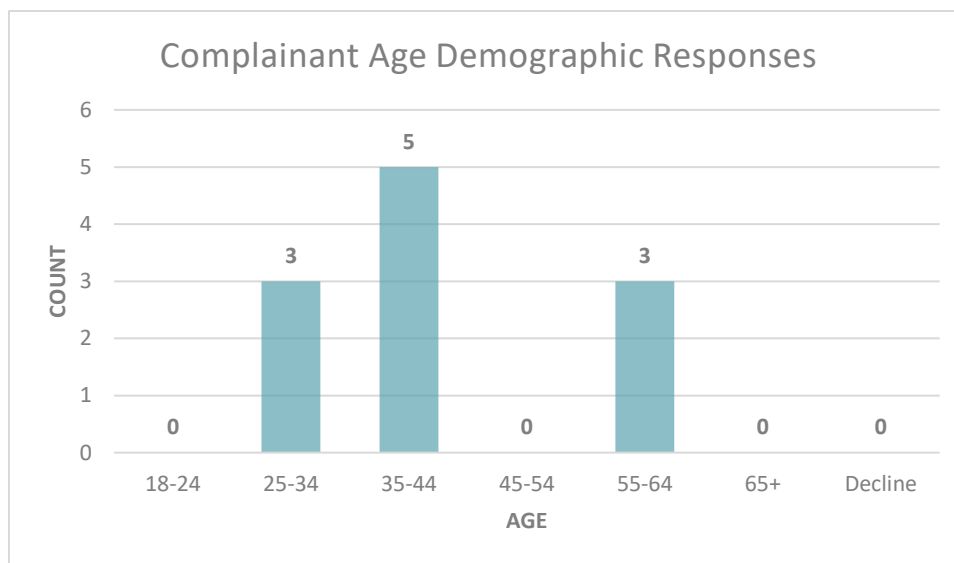


Figure 9: Demographic of Complainants between January and June 2022, by Age.

It should be noted the sex, race, and age demographic categories replicate those listed on the United States Census Bureau survey.

Due to the low response rate, a statistical analysis could not be conducted to determine if any pattern or trend could be identified.

The PSB also tracks external complaints received from anonymous sources. Between January and June 2022, the PSB received eleven anonymous external complaints resulting in an investigation.

There were 371 alleged policy violations between June and June 2022. Approximately 73% of the allegations were related to violations of conduct (e.g., Unbecoming Conduct, Failure to Meet Standards, etc.); this is an increase of allegations from the last semi-annual reporting period and an increase in the percentage of complaints related to violations of conduct.

Figure 10 depicts the allegation breakdown.³



Figure 10: Alleged Policy Violations within External Complaint Investigations between January and June 2022.

³ Low allegation counts have been combined for presentation purposes. See category breakdown below.

Detention Operations: Inmate Grievance Procedure (2), Inmate Supervision, Security Walks, and Headcounts (1), and Prison Rape Elimination Act (PREA) (1).

Enforcement Operations: Use/Operation of Vehicles (7), Search and Seizure (6), Body-Worn Cameras (4), Criminal Investigations: Operations (2), Arrest Procedures (1), Law Enforcement Extra Duty and Off-Duty Employment (1), Vehicle Accident Investigations (1), and Victim's Bill of Rights (1).

General Office Operations: Truthfulness (6), Use of Tobacco Products (4), Media Relations (1), Property Management (1), Criminal Justice Data Systems (1), and Electronic Communications and Voice Mail (1).

The PSB tracks the “nature of contact” that led to the alleged employee misconduct. The PSB has distinguished these into nine categories. Below is the breakdown of each category:

Booking: actions of/interactions with personnel during the booking process

Call for Service: actions of/interactions with sworn personnel dispatched to an incident

Custody Operations: actions of/interactions with personnel during detention/custody functions

Follow-up Investigation: actions of/interactions with personnel post initial call for service or detective investigations

Non-Enforcement Duties: actions of/interactions with personnel who are not actively conducting enforcement duties. (e.g., sworn staff on-duty but not on a call, civilian staff actions, etc.)

Observation: witnessed employee misconduct (e.g., no direct contact)

Off-Duty Incident: actions of/interactions with personnel not on duty

On-view Activity: actions of/interactions with sworn personnel initiating contact with the public (not a call for service or vehicle stops)

Vehicle Stop: actions of/interactions with sworn personnel during a traffic stop

The below chart shows the nature of contact between the complainant and principal for external complaint investigations initiated between January and June 2022.

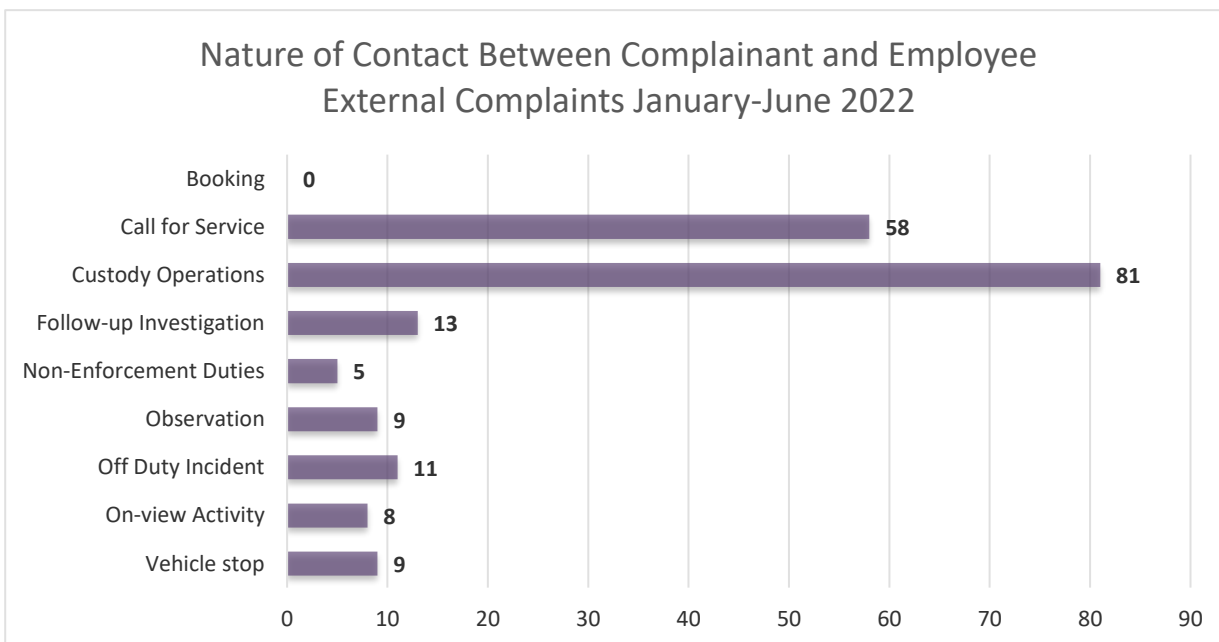


Figure 11: Nature of Contact for External Complaints between January and June 2022.

C. Civilian Complaint Analysis

The PSB did not see any increases or decreases in complaints attributable to the complaint intake process.

D. Internal Complaints

Based on the data, the PSB received a total of 91 internal complaints from January 1, 2022, to June 30, 2022, office-wide. There was one division with the most internal complaints; Intake, Transfer, and Release with 15 complaints.

Figure 12 depicts the number of internal complaints received from January to June 2022, differentiated by Division.

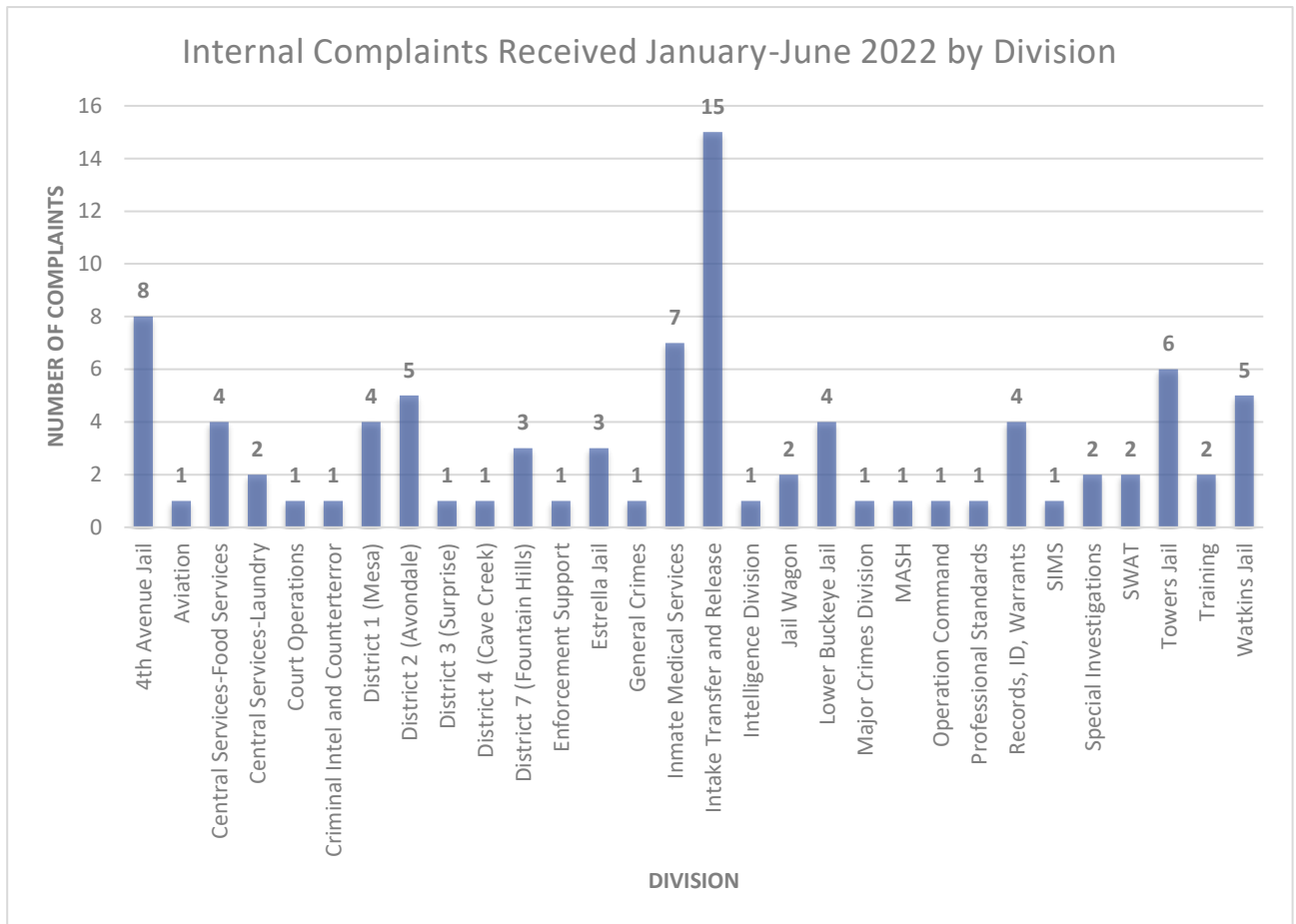


Figure 12: Internal Complaints received, by District, which resulted in an investigation.

Within the 91 internal complaints, the MCSO received 12 complaints in January, 7 complaints in February, 16 complaints in March, 23 complaints in April, 19 complaints in May, and 14 complaints in June. The internal complaints decreased from the previously reported six months. Like the last reporting period, most allegations involve Code of Conduct practices (e.g., employee relationships with other employees and failure to meet standards.) In April, the MCSO received 23 internal complaints; with an approximate average of 15 complaints received per month; this was approximately 35% above the average internal complaints received.

Figure 13 depicts the number of internal complaints received by month.

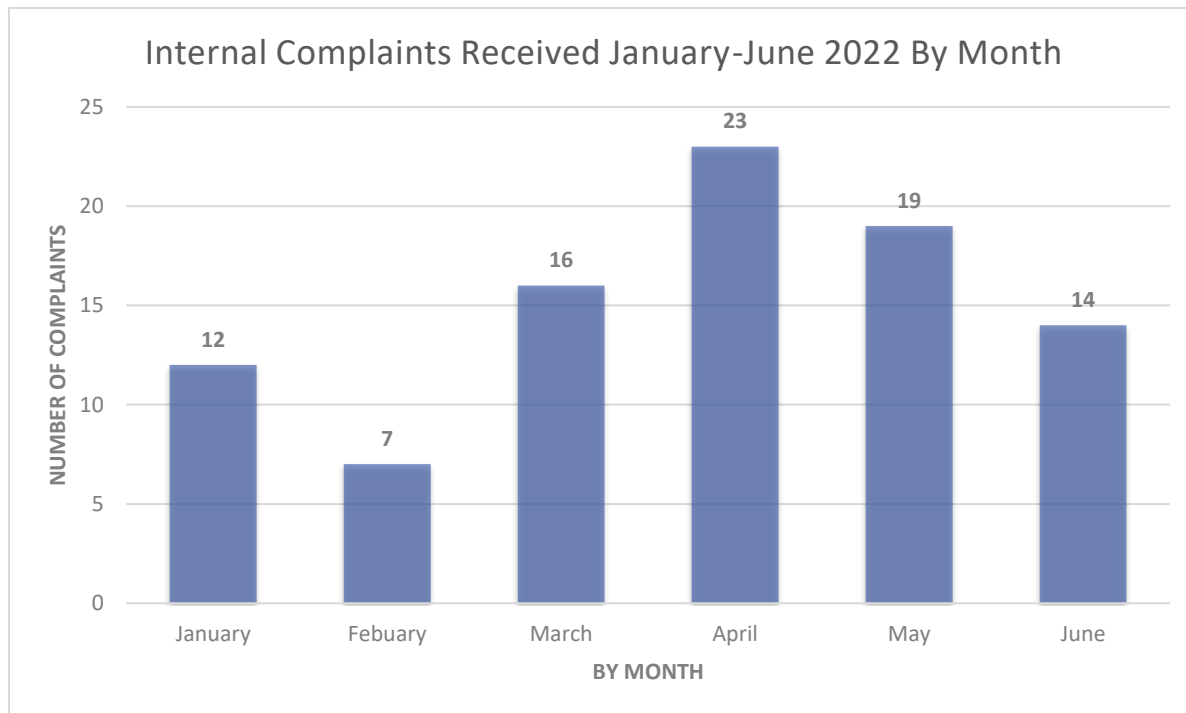


Figure 13: Internal Complaints received, by month, from January to June 2022.

To reiterate, a single complaint can result in an investigation with multiple principals and allegations. Therefore, the number of internal complaints that resulted in an investigation (91) will not mirror the number of principals and allegations in the next subsection.

The “Detention Officer” rank was identified 58 out of the 122 total principals listed in internal complaint investigations between January and June 2022.

Figure 14 depicts the ranks of principals identified in internal complaint investigations during the reporting period listed.

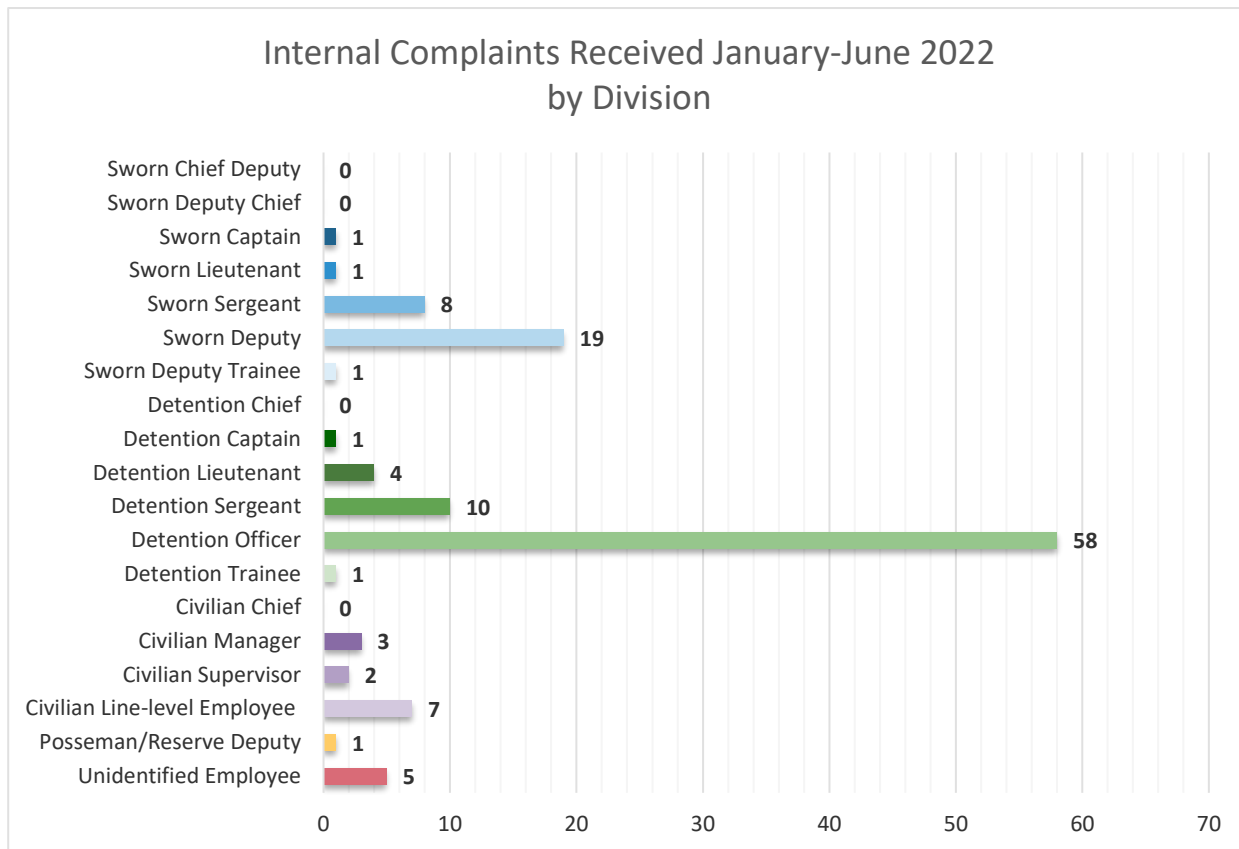
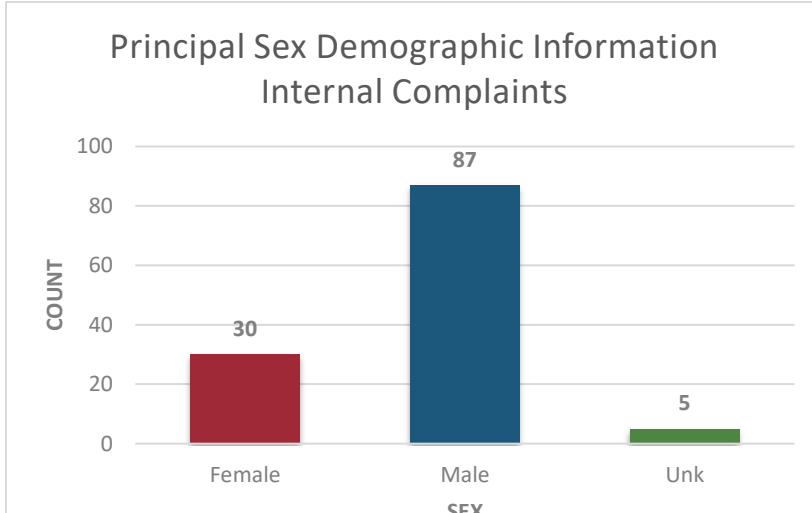


Figure 14: Rank of Principals in Internal Complaint Investigations January to June 2022.

The following information consists of demographic information of MCSO employees that have been named the **principal** and **complainant** in Internal Complaint IA investigations.⁴

It is important to note from January to June 2022, the PSB initiated seven internal investigations with an anonymous complainant. This was handled as an internal complaint due to the content being information only an employee would know.

⁴ Data is based on known, compensated MCSO employees. The IAPro system does not track demographic information of unknown and volunteer employees (i.e., Posse members and Reserve Deputies)



There were 87 identified male principals; approximately three times more than the amount of identified female principals. There were five unknown employees identified as principals.

Figure 15:
Demographic of Principals between January and June 2022, by Sex.

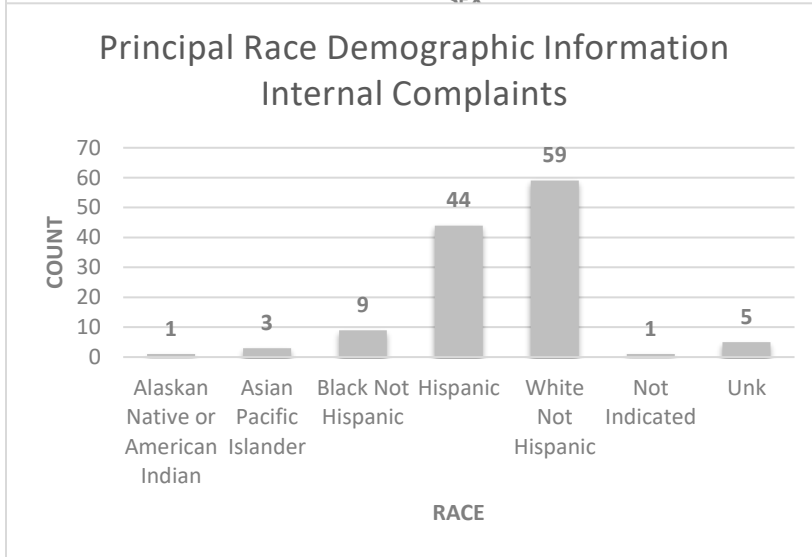


Figure 16 depicts 59 identified White (Not Hispanic) employees named as the principal in Internal Complaint Investigations; approximately 48% of the 122 employees.

Figure 16:
Demographic of Principals between January and June 2022, by Race.

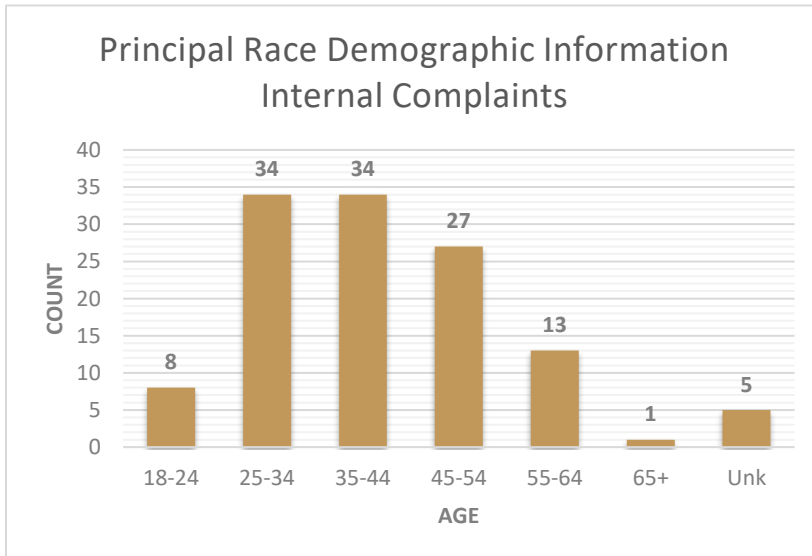
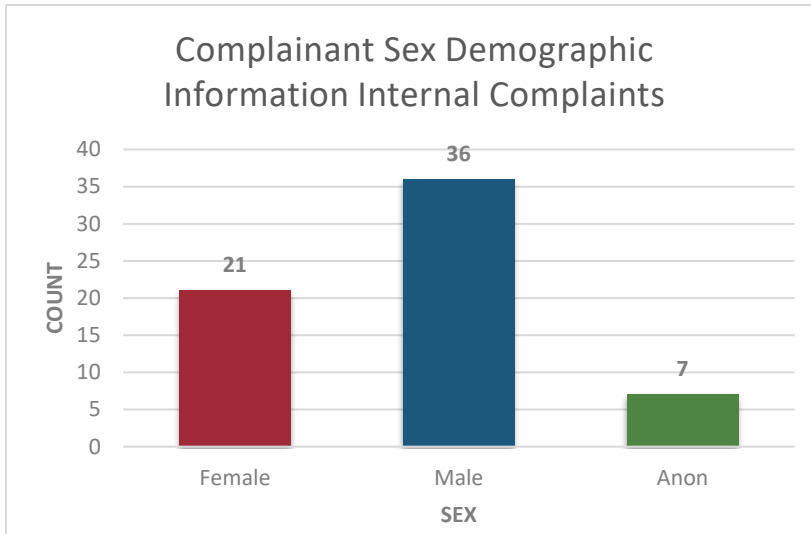


Figure 17 shows known Internal Complaint Principals are commonly between the ages of 25-44, with 34 principals between 25-34 and 34 principals between 35-44. There is no statistical difference between the two age groups, which coincides with an average age of 40 years old.

Figure 17:
Demographic of Principals between January and June 2022, by Age.



There were 36 identified male complainants, approximately twice the amount of the identified female complainants. Sex could not be identified for the seven anonymous complainants.

Figure 18:
Demographic of Complainants between January and June 2022, by Sex.

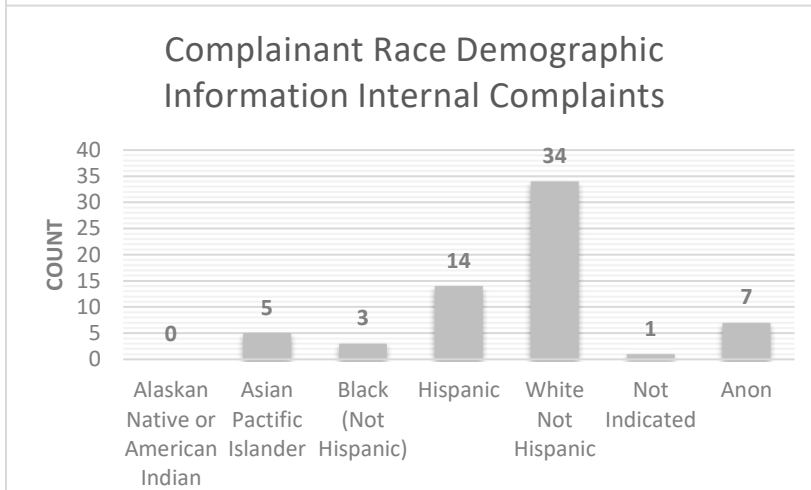


Figure 19 depicts 34 identified White (Not Hispanic) employees named as the complainant in Internal Complaint Investigations; approximately 53% of the 64 complainants. Race could not be identified for the seven anonymous complainants.

Figure 19:
Demographic of Complainants between January and June 2022, by Race.

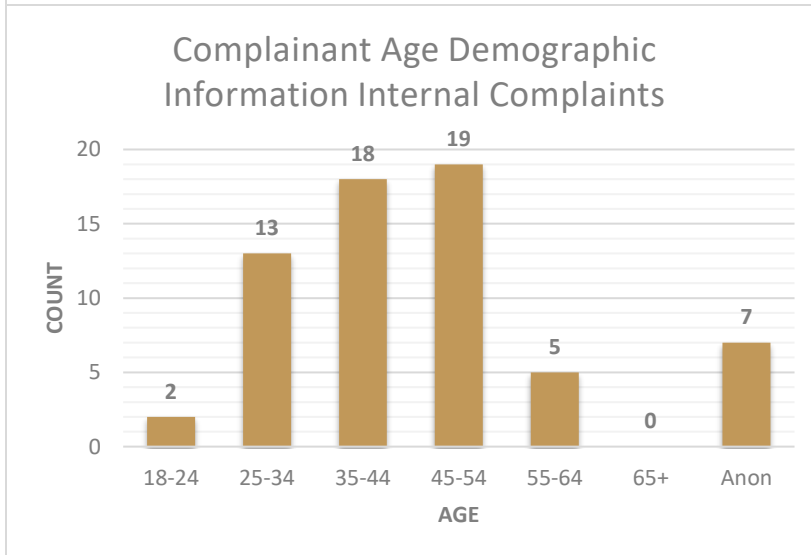


Figure 20 shows known Internal Complaint complainants are commonly between the ages of 35 and 54 which coincides with an average age of 42 years old. Age could not be identified for the seven anonymous complainants.

Figure 20:
Demographic of Complainants between January and June 2022, by Age.

It should be noted the IAPro system does not track the nature of contact that led to an internal complaint.

There were 88 alleged policy violations between January and June 2022. Approximately 56% of the allegations were related to violations of conduct (e.g., employee relationships with other employees, failure to meet standards, etc.); this is an increase of allegations from the last semi-annual reporting period and there was not a statistical difference in the percentage of complaints related to violations of conduct. Figure 21 depicts the allegation breakdown.⁵

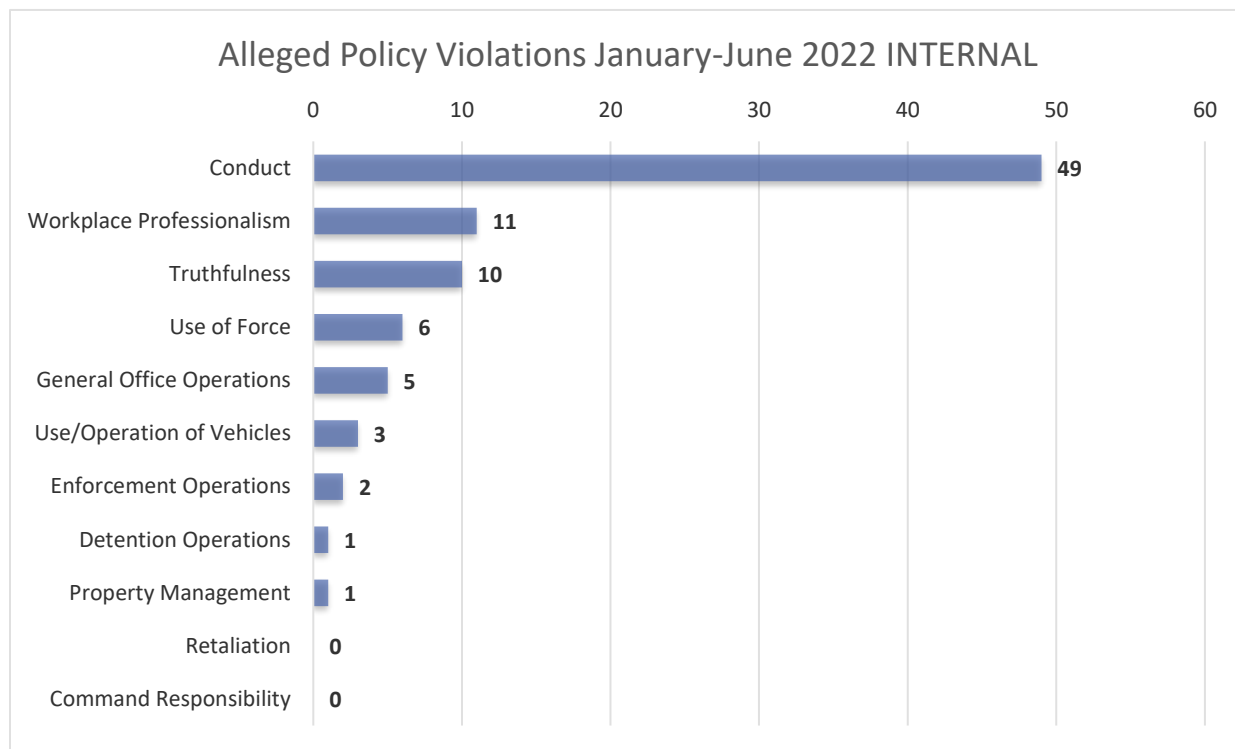


Figure 21: Alleged Policy Violations within Internal Complaint Investigations between January and June 2022.

⁵ Low allegation counts have been combined for presentation purposes. See category breakdown below.

Detention Operations: Inmate Supervision, Security Walks and Headcounts (1).

Enforcement Operations: Emergency and Pursuit (1) and Search and Seizure (1).

General Office Operations: Firearms (4) and Internal Investigations (1).

E. Processing of Misconduct Cases

The Professional Standards Bureau Commander determines whether an administrative investigation will be conducted at the division level or within the PSB. The decision is based on the severity and type of offense, the complexity of the investigation, the rank of the employee, and the alleged principal's disciplinary history. Once it has been decided an investigation can be handled at the division level, it is assigned an investigator to conduct interviews, review all information provided, and recommend the proper finding for the alleged violation to the Division Commander. Assistance and guidance from the Professional Standards Bureau are provided throughout the division level investigation.

Between January 1, 2022 to June 30, 2022, the PSB opened a total of 285 misconduct investigations⁶; 271 were assigned to the Professional Standards Bureau investigators, 8 were assigned to the Professional Standards Bureau Criminal Investigations Section, and 6 were assigned to investigators throughout the Sheriff's Office.

Figure 22 depicts a monthly report of assigned cases and Figure 23 depicts the investigation assignment, broken down by Non-PSB Division.

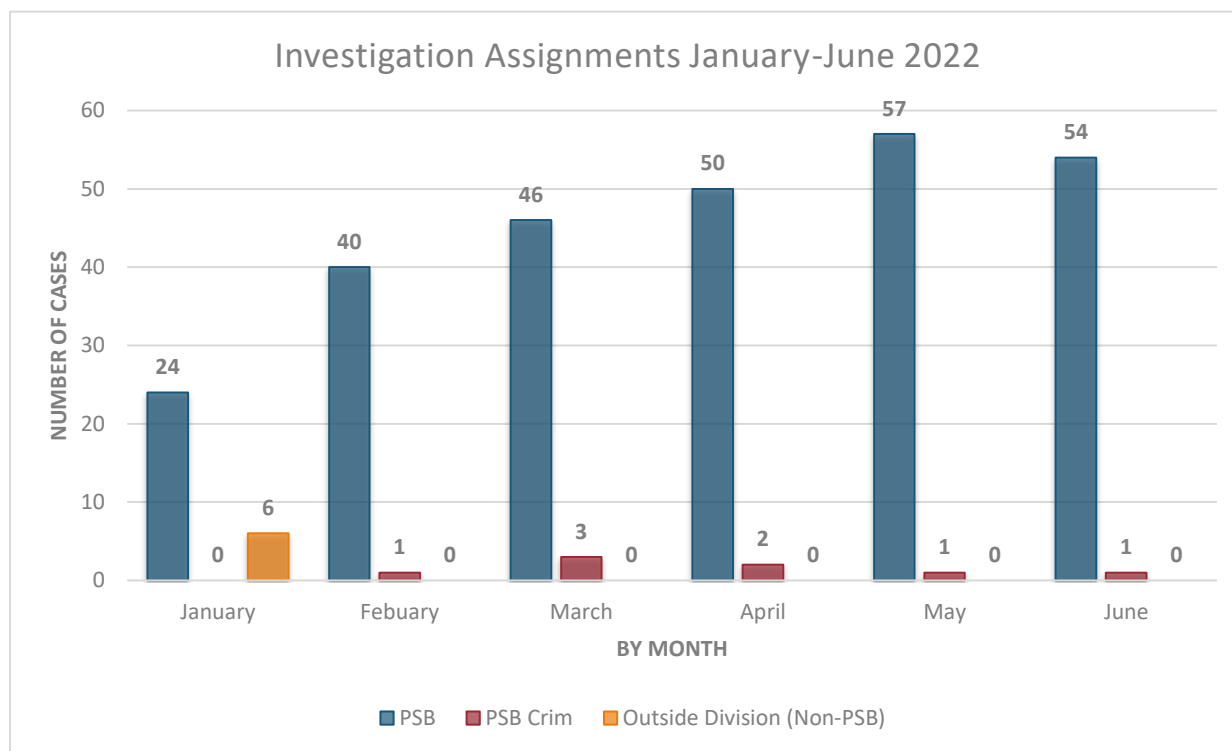


Figure 22: Investigation Assignment break down between PSB and Non-PSB Division

⁶ This includes misconduct investigations into external complaints, internal complaints, external criminal complaints, and internal criminal complaints.

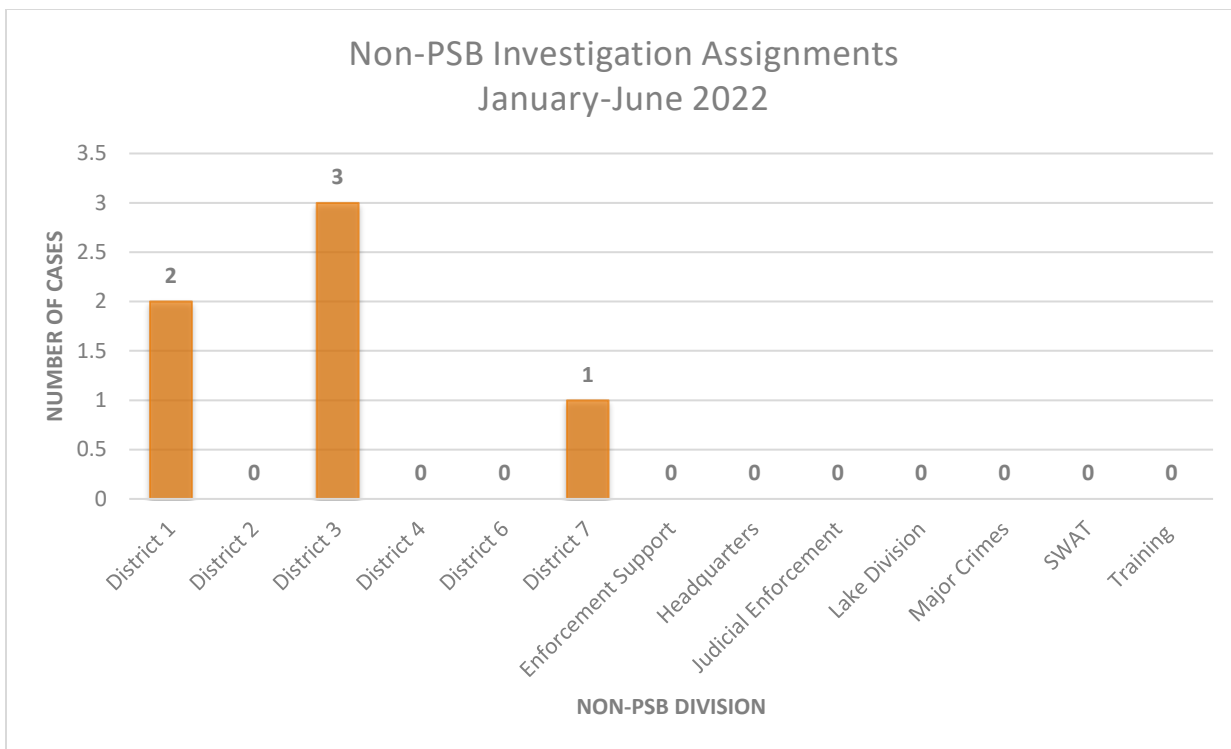


Figure 23: Non-PSB Division Assignment break down.

The subsequent paragraphs include the aggregate data of processing time for both District and PSB investigations. For the purpose of this report, *initiation to submission by the investigator to his or her chain of command* is the date the complaint was received to the date the District Commander or PSB Commander signed the investigative report.

Between January and June 2022, there were a total of 41 investigations completed outside of the Professional Standards Bureau, or otherwise known as Division cases. The average time from the initiation of an investigation to the submission to the investigators' chain of command was 254 days, and the median time was 175 days.⁷ The average is approximately 323% above the 60-calendar day expectation listed in the MCSO Policy GH-2, *Internal Investigations*. The average time from submission to the final decision regarding discipline or other final disposition was 153 days and the median was 108 days.

The total completion time (initiation to final discipline decision) of District investigations is 408 days. This is approximately 127% above the 180 statutory requirements of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, *Internal Investigations*.

Of the 41 Division cases, three cases were returned to the Division assigned investigator by the PSB due to the conclusion not supported by the evidence, and two were returned for investigative content issues. Of the remaining 36 investigations, there were four cases returned to the Division assigned investigator for formatting or form detail corrections. There were 32 cases that did not require any revisions by the Division assigned investigator.

Between January and June 2022, there were a total of 192⁸ administrative investigations completed within the Professional Standards Bureau (PSB.) The average time from the initiation of an investigation to the submission to the investigators' chain of command was 572 days, and the median time was 325 days.⁹ The average is approximately 573% above the 85-calendar day expectation listed in the MCSO Policy GH-2, *Internal Investigations*. The average time from investigator submission to the investigators' chain of command to the final decision regarding discipline or other final disposition was 49 days, and the median was 29 days.

The total completion time (initiation to final discipline decision) of PSB investigations is approximately 621 days. This is approximately 245% above the 180 statutory requirements of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, *Internal Investigations*, and approximately 10% less than the previous six-month average.

Of the 192 PSB cases, there were no cases returned due to the conclusion not supported by the evidence. Additionally, no cases were returned to the PSB investigator to conduct further investigation or for investigative corrections.

⁷ This does not include the effect approved extension requests would have on time frames.

⁸ The total number of administrative investigations includes nine critical incidents.

⁹ This does not include the effect approved extension requests would have on time frames.

F. Outcomes of Misconduct Investigations

A total of 224¹⁰ administrative misconduct investigations were completed between January and June 2022; 114 completed investigations had Sustained dispositions, 53 had Not-Sustained dispositions, 21 had Exonerated dispositions, and 36 had Unfounded dispositions.

Figure 24 on the next page shows the number of outcomes as well as each section's percentage.

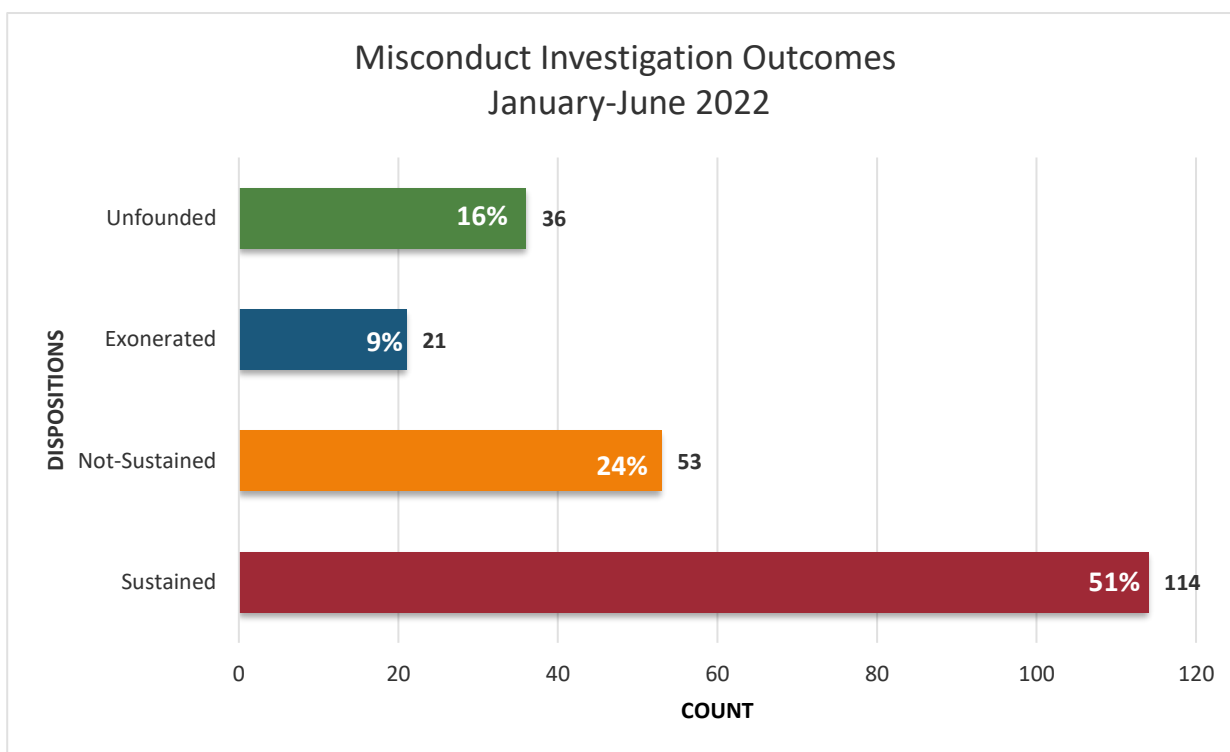


Figure 24: Misconduct Investigation Outcomes from January to June 2022.

According to MCSO Policy GC-17 Employee Disciplinary Procedures, when a single act of alleged misconduct would constitute multiple separate policy violations, all applicable policy violations shall be charged, but the most serious policy violation shall be used for determining the category of the offense and discipline. The paragraph below includes the discipline count for the 114 sustained misconduct investigations closed from January to June 2022.

The following is a breakdown of the disciplinary and non-disciplinary actions for the 114 closed sustained cases¹¹: 25 non-disciplinary (coaching) actions; 24 written reprimands; 14 suspensions; one demotion; four probationary releases; eight terminations; three resignations in lieu of termination; and two retired prior to the issuance of discipline. There were 33 employees that retired or resigned prior to the conclusion of the investigation and/or discipline determination. Two employees were previously terminated for previous investigations prior to the conclusion of the case

¹⁰ The number of dispositions will not match the total number of closed administrative investigations.

¹¹ Listed numbers reflect the discipline action for each employee principal involved; numbers will not match the total number of closed sustained cases.

they were identified in this reporting period. One unknown employee did not receive discipline for sustained violations.

It is important to note the Maricopa County Sheriff's Office policy views a Coaching within Internal Affairs Investigations as a *"non-disciplinary interaction between a supervisor and an employee that supports an individual in achieving specific personal or professional goals by providing training, advice, and guidance in response to a specific situation."*

Effective January 2021, critical incident outcomes will be included in this section. Critical incidents are any incident that involves the use of force by an employee resulting in death or serious physical injury; the intentional and unintentional discharge of a firearm by an employee in the performance of their lawful duties; or the death of a prisoner or inmate, by any means, while in the custody of the Office.

During this reporting period, nine critical incident investigations were completed; two involving a deputy involved shooting were completed, and it was determined the force used was appropriate. There were three closed critical incidents that resulted in a sustained finding for misconduct not related to the use of force.

From January 1, 2022, to June 30, 2022, there was one case where the findings were changed after a Pre-Determination Hearing (PDH.) There were two cases in which the Appointing Authority, regarding discipline, deviated from the established matrix after the PDH. Additionally, there was one case in which the Appointing Authority mitigated the discipline from a suspension to a written reprimand.

From January to June 2022, The Maricopa County Law Enforcement Merit System Commission upheld the findings of three closed investigations during the reporting period. There were no cases in which the Commission overturned the discipline.

G. Persistent or Serious Misconduct

This section discusses employees listed as the subject of more than two misconduct investigations, employees with more than one sustained allegation and the number of criminal prosecutions of employees. It is important to note the MCSO categorizes discipline (minor or serious) imposed by the sustained misconduct; it is not based on the allegations themselves. It is also important to note there can be multiple allegations within a single misconduct investigation. The last paragraph of this section (criminal prosecution charges) is based on a six-month time period. The paragraphs directly below are based on a rolling annual timeframe and NOT a six-month time period.

In the previous 12 months (July 1, 2021 – June 30, 2022), 38 employees were listed as the subject of more than two misconduct investigations in a total of 143 investigations. The 38 employees have been broken down and categorized by their most egregious discipline. Of the 38 employees, 4 received serious discipline, 4 received minor discipline, and 4 received a non-discipline coaching¹². The remaining employees (26)¹³ all have current active investigations.

There were 22 employees, July 1, 2021 – June 30, 2022, that have had more than one sustained allegation that resulted in **minor** discipline. Those 22 employees had a combined total of 31 sustained allegations. In that same timeframe, 22 additional employees had more than one sustained allegation that resulted in **serious** discipline. There were 46 sustained allegations between the 16 employees.

Between July 2021 and June 2022, no employees were the subject of a criminal prosecution.

¹² Serious discipline is categorized as discipline equal to or greater than an employee suspension. Minor discipline is categorized as discipline less severe than a suspension, not to include coaching.

¹³ One employee received minor discipline and non-discipline coaching; therefore, the remain employee count is not reflective of the discipline count.

H. Patterns and Trends

The Professional Standards makes assessments of the types of complaints received to identify problematic patterns and trends quarterly. The PSB conducted an assessment for the first quarter (January 2021 to March 2022) and for the fourth quarter (April 2022 to June 2022.)

First Quarter Assessment:

The following is an analysis of patterns and trends of complaints received between January 1, 2022, to March 31, 2022.

Divisions Receiving the Most Complaints

The PSB identified the patrol District-2 receiving the most complaints between January 1, 2022, to March 31, 2022.

The patrol District 2 – Avondale received 13 complaints resulting in misconduct investigations; two alleged failure to follow procedures regarding assigned duties; two alleged rudeness associated to dismissive and demeaning behavior; two alleged vehicle accidents while emergency driving; and two with allegations of no probable cause to search. The remaining five did not follow a pattern or trend we could identify at this time.

Notable Patterns and Trends Identified within MCSO Divisions

Between January 1, 2022, to March 31, 2022, there were multiple divisions not identified as having the most complaints; however, a pattern or trend of complaints received was identified by the PSB.

The Lower Buckeye Jail facility received 11 complaints resulting in misconduct investigations; four alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats); two alleged rudeness associated with dismissive and demeaning behavior; and the remaining five allegations did not follow a pattern of misconduct we could identify at this time.

The 4th Avenue Jail facility received 10 complaints resulting in misconduct investigations; three alleged rudeness associated with dismissive and demeaning behavior; two alleged off/on duty crimes; and two alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures). The remaining three allegations did not follow a pattern or trend we could identify at this time.

District I – Mesa received 10 complaints resulting in misconduct investigations; three alleged rudeness associated with dismissive and demeaning behavior and two alleged mishandled investigations or calls for service. The remaining five allegations did not follow a pattern or trend we could identify at this time.

Intake Transfer and Release received 10 complaints resulting in misconduct investigations; three with alleged off/on duty crimes; two alleged conflicts between employees; two alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or

gestures; and threats); and two alleged employees not being truthful. The remaining one allegation did not follow a pattern or trend we could identify at this time.

The Watkins Jail facility received eight complaints resulting in misconduct investigations; four alleged off/on duty crimes, and the remaining four allegations did not follow a pattern or trend we could identify at this time.

The patrol District 3 – Surprise received six complaints resulting in misconduct investigations; three alleged unsafe driving by sworn employees. The remaining three allegations did follow a pattern or trend we could identify at this time.

All Misconduct Allegations Categorized

There were 115 complaints received between January 1, 2022, and March 31, 2022. The Professional Standards Bureau identified 24 investigations alleging “rude” behavior (demeaning, confrontational, condescending, yelling, and “attitude”) toward members of the public. There were 17 investigations with alleged off/on-duty crimes, all varied in nature. There were 15 investigations with alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats).

The following allegation categories received 10 or less mentions each. There were eight with allegations of employees being untruthful; six with alleged use of force; six with employees driving unsafely; six with the mistreatments of inmates (not providing basic necessities when requested and withholding food/canteen items); six with failure to meet Office standards; and six with mishandled investigations or calls for service.

Although not high in numbers overall, the following are a list of notable categories of investigations: five alleged conflicts between employees; five alleged failure to follow procedures regarding assigned duties; and five alleged failure to execute an order or duty.

Employee Potential Problematic Patterns and Trends

The following employees have been identified as MCSO personnel with potential problematic patterns or trends of misconduct from investigations initiated between January 1, 2022, to March 31, 2022.

An employee was named in two IA investigations regarding not being truthful and conflicts between employees.

An employee was named in two IA investigations regarding traffic stops where there was no probable cause to search the stopped vehicles.

An employee was named in two IA investigations regarding conflicts with other employees.

Second Quarter Assessment:

The following is an analysis of patterns and trends of complaints received between April 1, 2022, to June 30, 2022.

Divisions Receiving the Most Complaints

The PSB identified the 4th Avenue Jail receiving the most complaints between April 1, 2022, to June 30, 2022.

4th Avenue Jail facility received 16 complaints resulting in misconduct investigations; four alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats); three alleged use of force; and three alleged rudeness associated to dismissive and demeaning behavior. The remaining six did not follow a pattern or trend we could identify at this time.

Notable Patterns and Trends Identified within MCSO Divisions

Between April 1, 2022, to June 30, 2022, there were multiple divisions not identified as having the most complaints; however, a pattern or trend of complaints received was identified by the PSB.

The Lower Buckeye Jail facility received 14 complaints resulting in misconduct investigations; three alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats); three alleged retaliation for making a complaint; two alleged rudeness associated with dismissive and demeaning behavior; and the remaining six allegations did not follow a pattern of misconduct we could identify at this time.

District III – Surprise received 12 complaints resulting in misconduct investigations; five alleged rudeness associated with dismissive and demeaning behavior; and three alleged failure to take appropriate action. The remaining four allegations did not follow a pattern or trend we could identify at this time.

District I – Mesa received 12 complaints resulting in misconduct investigations; four alleged failure to follow procedures during calls for service; four alleged rudeness associated with dismissive and demeaning behavior; and two alleged mishandled investigations or calls for service. The remaining two allegations did not follow a pattern or trend we could identify at this time.

Intake Transfer and Release received 12 complaints resulting in misconduct investigations; three alleged rudeness associated with dismissive and demeaning behavior; two alleged use of force; two alleged failure to take appropriate action. The remaining five allegations did not follow a pattern or trend we could identify at this time.

The patrol District II - Avondale received 11 complaints resulting in misconduct investigations; three alleged rudeness associated with dismissive and demeaning behavior; two alleged off/on duty crimes; two alleged extended traffic stops, and the remaining four allegations did not follow a pattern or trend we could identify at this time.

The Estrella Jail received nine complaints resulting in misconduct investigations; three alleged failure to follow procedures; three alleged rudeness associated with dismissive and demeaning behavior. The remaining three allegations did follow a pattern or trend we could identify at this time.

All Misconduct Allegations Categorized

There were 234 complaints received between April 1, 2022, and June 30, 2022. The Professional Standards Bureau identified 45 investigations alleging “rude” behavior (demeaning, confrontational, condescending, yelling, and “attitude”) toward members of the public. There were 26 investigations with alleged failure to follow procedures/meet Office standards that all varied in nature. There were 14 investigations with alleged lack of workplace professionalism also varying in nature. There were 11 investigations that alleged on/off duty crime. Additionally, there were 11 investigations that alleged excessive use of force.

The following allegation categories received 10 or less mentions each. There were 10 with allegations of inappropriate language or behavior; seven with alleged conflict between employees; seven with mishandled investigations or calls for service; six with employees being untruthful; five with retaliation for making complaints; and four with alleged lack of command responsibility.

Employee Potential Problematic Patterns and Trends

The following employees have been identified as MCSO personnel with potential problematic patterns or trends of misconduct from investigations initiated between April 1, 2022, to June 30, 2022.

An employee was named in two IA investigations regarding off/on duty crimes, and one for being unprofessional toward another employee.

An employee was named in three IA investigations regarding traffic stops where the stops were prolonged and failure to advise drivers of their right to revoke consent.

An employee was named in two IA investigations regarding use of force.

I. Semi-Annual PSB Reviews of Investigations

The Professional Standards Bureau is responsible for conducting reviews, at least semi-annually, of all investigations assigned outside of the Bureau to determine whether the investigation is properly categorized, whether the investigation is being properly conducted and whether appropriate findings have been reached.

The PSB has assigned District Liaison personnel to conduct reviews on investigations as they are submitted from the District. These liaisons utilize a review template/checklist addressing the above-listed investigation requirements. The use of the template/checklist has resulted in the improvement in the structure and procedural completeness of the investigations. These liaisons are also assigned to each District to aid the District investigators should they have any questions or need any advice throughout the investigation.

The quality of investigations conducted at the District/Division level continues to require improvement due to improper findings, leading questions, a lack of investigation thoroughness and completeness, and a lack of all witness interviews.

Through the review process, the liaisons continue to specifically note the following trends found within these investigations¹⁴: improper findings, inappropriate policies for allegations, not identifying additional allegations, lack of documentation explaining investigative actions, lack of follow-up or closure for investigative inconsistencies, and report details and formatting.

During this time, there were 18 investigations¹⁵ where the District Division Commanders failed to identify issues within the report, prior to submitting them to the PSB. These issues included reports lacking details, allegation language adjustments, misidentifying roles of involved employees, missing body worn camera video summaries, not interviewing all witnesses, and conclusions not being supported by the evidence. The District investigators continue to send investigations for extra review at the Command level to ensure proper findings and investigative completeness.

At the time of this report, the Professional Standards Bureau was researching alternative methods for investigating minor misconduct currently being investigated by district personnel.

¹⁴ It should be noted the investigations in this paragraph refer to any cases reviewed by the District liaison within the timeframe of this report, which could include investigations from the past several years.

¹⁵ It should be noted the investigations in this paragraph refer to any cases reviewed by the District liaison within the timeframe of this report, which could include investigations from the past several years.

Conclusion

Since the previous report, the Maricopa County Sheriff's Office (MCSO) has continued to improve processes to ensure misconduct investigations are completed thoroughly, accurately, and in a timely manner. The MCSO saw a decrease in external complaints received; the approximate average of external complaints received was 14% less for this reporting period versus the last reporting period (July 2021 to December 2021.) When comparing the numbers of overall external complaints received from reporting period to reporting period, there is a downward trend. The MCSO continues to identify allegations of misconduct regarding Code of Conduct Practices (e.g., Unbecoming Conduct and Failure to Meet Standards) with the goal of improving employee conduct office wide. The Professional Standards Bureau (PSB) could not identify a specific reason for the continued external allegations of misconduct regarding Code of Conduct Practices. Although the PSB collects complainant demographic information, a pattern or trend could not be identified due to the low response rate.

The data shows an average of 15 internally generated complaints per month. This is less than the reported average of the previous six months. The internal complaints received are showing a downward trend between Jul1 2021, and June 2022. The most frequent allegations identified within the internal complaints received, involved Code of Conduct practices (e.g., employee relationships with other employees.) The PSB still attributes the decrease of the overall internal complaints to PSB commander and supervisor-initiated interventions, which allows supervisors and PSB to address minor misconduct to improve performance or behavior to prevent their progression to a misconduct investigation.

The PSB continues to track any cases with investigative concerns or corrections identified within division-investigated cases. There were approximately 11% more district investigations completed, and ultimately reviewed, this reporting period over last. Approximately 44% of those cases required investigative corrections. This is a ten percent increase from the last six months. The quality of investigations initially submitted by District-level investigators still require improvement in investigative thoroughness, avoiding leading questions, and identifying proper findings and proper involved employee roles.

There were no cases investigated within the Professional Standards Bureau returned for investigative corrections.

All investigations completed during this reporting period were 245% higher than the 180-day expectation set forth in Arizona statute and MCSO Policy GH-2, Internal Investigations. The PSB attributes the decrease in investigative timeframes to the increased closure of older investigations.

The Maricopa County Sheriff's Office categorizes policy violations as minor or serious misconduct based on what the potential resulting discipline would be if the conduct were sustained. The type of discipline imposed, minor or serious, depends upon the acts of misconduct, the mitigating and aggravating circumstances, and prior discipline. From July 2021 to June 2022, 38 employees were listed as the subject of more than two misconduct investigations.

This report helps the Professional Standards Bureau have a more thorough understanding of any impediments affecting investigations completed within the Bureau and how the PSB is working toward compliance with current MCSO Policies. This report also helps MCSO achieve its goal of transparency with the community.